

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
2005 COMPREHENSIVE PLAN WORK SESSION #29
Thursday, October 20, 2005**

A work session of the Williamsburg Planning Commission was held on Thursday, October 20, 2005, at 4:00 p.m., in Conference Room 3A, Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE AND CALL TO ORDER

Present were Commissioners Young, Pons, Friend, Hertzler, McBeth, Rose and Smith. Also present were Planning Director Nester, Zoning Administrator Murphy, and Economic Development Manager DeWitt.

Mr. Pons called the meeting to order at 4:05 p.m.

OPEN FORUM

Jhett Nelson, Secretary of Public Affairs for the William & Mary Student Assembly, thanked the Commission for its willingness to discuss the "three-person rule", and said that he hoped that it could be modified and made to work better.

John Digges, 512 South Henry Street, questioned the net acreage way of calculating permitted residential density in the City. He said that it is something that you don't usually see in zoning ordinances.

Todd Bloom, contract purchaser of 622-624 South Henry Street, asked about the residential density process for the South Henry Street corridor. Mr. Nester said the Comprehensive Plan recommends a base density of 8 units/net acre for South Henry Street, with the ability to go to 22 units/net acre with a special use permit. He said that the net acreage concept was recommended by the 1989 Comprehensive Plan, and was incorporated into the Zoning Ordinance in 1991. Net acreage uses the concept that land with greater slopes has less carrying capacity for development.

COMPREHENSIVE PLAN

2005 Future Land Use Map

Mr. Nester said that the 2005 Future Land Use Map had been updated to continue to show Quarterpath Road as an arterial street, with a note "Quarterpath Road status to be determined." He said that the land use for the North Henry Street/Scotland Street area needs to be decided, and reflected on the Land Use Map.

Chapter 10 – Commercial and Economic Development

Ms. DeWitt noted that VHDA financing is available for mixed use development, with a requirement that 51% or more of the floor area be residential. Mr. Digges noted that this was strictly state funding.

Ms. DeWitt, addressing the issue of residential uses in Corridor Commercial areas, said that it is very important for the tax base to keep our commercial land available for commercial development, and that the current proposal in the Plan reserves at least 33% of the floor area on a commercial parcel for commercial use. Answering Mr. Hertzler's question of "why not 100% residential," she said that retention of land for commercial development is important in allowing the City to remain the commercial center of the region.

Mr. Nester noted that the primary commercial area with potential for residential uses is the Capitol Landing Road corridor. Mr. Pons observed that maybe Capitol Landing Road could be treated differently than the other commercial corridors.

Discussion on this issue continue, and a consensus was reached that up to 67% of the floor area on a lot could be used for residential use with a special use permit, instead of the original limitation on a "per building" basis. The language in the draft would be changed to reflect Mr. Nester's alternate proposal.

The proposed Medium Density Multifamily land use area on the east side of North Henry Street and Scotland Street was discussed. The question of whether or not this area should be designated single family land use was raised at the October 6 work session. Mr. Nester said that the area has 10 lots – eight are occupied by single family dwellings and two are vacant. Two are owner-occupied (25%), and six are renter-occupied (75). Lot sizes range from 7,841 square feet to 18,731 square feet, with an average lot size of 11,251 square feet. This equates to a density of 3.9 units/gross acre. The density in units/net acre would be slightly higher, because of topography.

Following an extensive discussion, it was decided to change the land use designation for this area to Medium Density Single Family Detached land use, with a density of 5 units/net acre. Reasons for making this change included:

- This is a unique pocket of single family dwellings, the most sensitive in the City.
- The two vacant lots will be more viable for single family dwellings if the zoning restricts development in this area to single family dwellings.

Options for Residential Occupancy Limits ("Three-person Rule")

Mr. Nester noted that several William & Mary students were present who had worked with Mrs. Murphy on a staff/student committee reviewing this issue.

Mr. Nester outlined three options that could be considered for residential occupancy limits:

- (1) Leave the current “three person rule” in place.
- (2) Revert to the old “four-person rule” that existed prior to 1991.
- (3) Allow additional occupants in dwelling units based on a special use permit (City Council approval) or a special exception (Board of Zoning Appeals approval) plus established criteria such as number of bathrooms/bedrooms in the dwelling, number of parking spaces available on the site, size of the lot, etc. Ordinances from other jurisdictions addressing this issue are attached.

He said that another option would be a three-person rule for single family zoning districts, and a four-person rule for multifamily zoning districts. Mr. Nester said that zoning ordinance regulations from other jurisdictions had been compiled, and that one of the best was Lexington, which allowed an increase from three to six persons in a single family dwelling if specific criteria were met, and with a special use permit that would need to be renewed periodically. He said that this type of regulation could be adapted to Williamsburg if an appropriate occupant limit could be specified.

Mr. Friend noted that one of the reasons for the three-person limit was that more unrelated people in a dwelling unit means more potential problems for the neighborhood.

Mrs. McBeth said that with a City average of 2.07 persons per dwelling unit, increasing above three seems problematical.

Mr. Hertzler said that on page 8-7 the draft states that the most important housing goal is protecting the City’s single family neighborhoods. He said that dealing with residential occupancy limits only does not address the student housing problem, which requires a much more comprehensive solution.

John Keane, 718 Jamestown Road, said that adding more people to the occupancy limit would make enforcement more difficult.

Brad Potter, a William & Mary graduate student, said that the students are looking for a dialogue on this issue with the City. Allowing more students in houses near the campus with sufficient capacity would be a benefit to students – rents could be lower and more could live closer to campus. He said that students want to be part of the community. He said that the three person limit seems to be arbitrary.

Mr. Pons said that a major conflict is that students are of a different mindset than residential owner-occupants in the neighborhoods. Introducing more students into these neighborhoods is a challenge.

Mr. Potter said that the “big three” problems with students are trash, noise and parking. He said that raising the number of students from three to four or six students would not inherently diminish the neighborhood or add to the “big three” problems.

Mrs. Smith noted that an important third party in this issue is the College, and that the College needs to be included in the dialogue.

Mrs. McBeth noted that landlords are also a part of the problem, and said that more people in a dwelling equals more rental income. She said that if you could legally rent to four students, more rental housing would be encourage in the neighborhoods surrounding the College.

Mr. Nester reviewed the William and Mary section of Chapter 9, Institutions, as related to the housing issue. He said that 75% of undergraduates are housed on campus, along with 12% of graduate students (59% of the total student body). The draft states that there is a great demand for student housing on campus and in the area surrounding the College, which has a demonstrated impact of the viability of the largely single family neighborhoods adjacent to the College along Richmond Road and Jamestown Road. Several options are listed that could serve these needs:

- Construction of additional dormitory space on the main campus.
- Retaining the Dillard Complex for student housing
- Construction of student housing on the Williamsburg Community Hospital site, which will be renovated for the School of Education.
- Construction of student-oriented housing on the City-owned Mixed Use land use property south of Berkeley Middle School.
- Construction of new multifamily units planned for High Street Williamsburg, Quarterpath at Williamsburg, and in the Center City area will provide additional housing opportunities for students.

Mr. Nelson said that location near the campus is the most important consideration for students. Mr. Potter agreed that there is a major desire to live close-in, and said living in a house with a small group of friends is a good transition from dormitory life.

Mr. Hertzler said that there are other issues to consider, such as looking for and encouraging redevelopment of areas suitable for student housing. He said that the three-person rule is merely a regulation, and has nothing to do with how we engineer the City. He said that we can regulate all we want, but the need is to get to the root of the problem of student housing.

Mr. Pons said that some of the Chapter 9 suggestions will alleviate some of the problems, but noted that we are on the cusp of seeing some transitions.

Mr. Hertzler said that some of the suggestions are fine, but the City doesn't have control because they are on College property.

Mr. Digges noted that it is difficult to find and assemble land for residential development in the City.

Mr. Rose said he agrees with the need to preserve neighborhoods, and made the following observations:

- Multifamily houses could have a negative impact on the value of adjacent owner-occupied single family dwellings.
- Student housing is a multi-dimensional problem.
- Landlords need to have the ultimate responsibility.
- A more comprehensive way needs to be found to attack the problem, and the College needs to be involved.

Mr. Hertzler suggested quantifying the economic benefit to the City of constructing new dormitories, and then having the City subsidize their construction in the amount of that benefit. He also said that we need to explore other options, and need to radically increase density to encourage redevelopment.

Mr. Pons noted that if you build new student housing, it will not necessarily move students out of the existing neighborhoods. He said that he is not in favor of increasing the number of occupants unless there is a way of increasing enforcement. If three can go to four, than allowing four students can lead to five students in the house.

Mr. Young said that there needs to be a global solution to the problem, not just an increase in the occupancy limit.

It was a consensus that a specific occupancy will not be designated by the Plan, but the need for a comprehensive solution to the problem will be pointed out, and this solution will need to include the City, the neighborhoods, the students, and the College administration.

Chapter 9 – Institutions (Williams & Mary section)

Mr. Nester reviewed the chapter, and asked if there were comments on the draft.

Mr. Young said that he agrees with promoting additional commercial uses adjacent to the College, but that the City should not be specifically promoting student-oriented business – that should be a function of the market. Mr. Nester said that he would revise this section to make it refer to commercial uses in general.

Mrs. McBeth said that traffic and parking issues are important.

Mr. Nester said that the chapter needs to also recognize the need to have a pedestrian and bicycle connection into the Dillard complex.

OPEN FORUM

Victor Smith, 140 Chandler Court, said that churches along Jamestown Road have talked with the College about their utilization of on-campus parking for their services. He said that is an important community need that the College helps with, and one which could be affected by the proposed new developments along Jamestown Road (new Business School and Barksdale Dorm). Mrs. McBeth said that the churches are using a faculty lot, and that this lot will continue to be a faculty lot into the future.

Mr. Nelson said that the students want to continue the dialogue on occupancy limits, and realize that it is a part of a much larger issue.

Mr. Smith said that there are differences between student-occupied housing and owner-occupied housing, and that he is concerned with the "commercial" operation of houses as a rental business.

OTHER

It was decided to schedule a work session on Wednesday, November 2 on the Design Review Guidelines. The meeting will be at 4:00 p.m. at the Municipal Building.

The meeting was adjourned at 6:20 p.m.

Jesse Young, Chairman
Williamsburg Planning Commission